

PATENT
ATTORNEY DOCKET NO.: 040894-7140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|----------------------------|
| In re Application of : Ya XU, et al. |) | |
| |) | |
| U.S. Application No.: 10/516,617 |) | Group Art Unit: Unassigned |
| |) | |
| International Appln. Filing Date: June 4, 2003 |) | |
| |) | |
| Date of National Stage Entry: December 3, 2004 |) | Examiner: Unassigned |
| |) | |
| For: EXTREMELY FINE SHAPE MEMORY |) | |
| ALLOY WIRE, COMPOSITE MATERIAL |) | |
| USING THE SAME, AND PROCESS FOR |) | |
| PRODUCING THE SAME |) | |

Commissioner of Patents
MAIL STOP PCT

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed June 28, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

| | | | | |
|---|--------------|--------------|----------------|--------------------|
| Basic National Stage Fee: | | | | |
| \$300.00 | | | | |
| | Number Filed | Number Extra | at a Rate of | |
| Total Claims | 15-20 = | 0 | \$50.00 each= | +\$ |
| Independent Claims | 1- 3 = | 0 | \$200.00 each= | +\$ |
| Multiple dependent claim(s), if any | | | \$360.00 | +\$Previously Paid |
| Missing Requirements Surcharge Fee | | | \$130.00 | \$130.00 |
| Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100 | | | | \$ |
| Application Search Fee | | | \$500.00 | \$ |
| Examination Fee | | | \$200.00 | \$ |
| 09/02/2005 L LANDGRA 00000072 500310 10516617 01 FC:1617 130.00 DA | | | | |
| SUB-TOTAL = | | | | \$130.00 |

| | | |
|---|----------|----------|
| Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d)) | \$130.00 | +\$ |
| Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d)) | \$130.00 | +\$ |
| TOTAL FILING FEE = | | \$130.00 |

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

| | <u>Total Months Requested</u> | <u>Extension Fee</u> | <u>Extension Fee [Small Entity]</u> |
|--------------------------|-------------------------------|----------------------|-------------------------------------|
| <input type="checkbox"/> | One month | \$120.00 | \$60.00 |
| <input type="checkbox"/> | Two months | \$450.00 | \$225.00 |
| <input type="checkbox"/> | Three months | \$1,020.00 | \$510.00 |
| <input type="checkbox"/> | Four months | \$1,590.00 | \$795.00 |
| <input type="checkbox"/> | Five months | \$2,160.00 | \$1,080.00 |

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

| | | |
|-----------------------|-----------------|-----------------|
| The total fee due is: | Completion Fees | <u>\$0.00</u> |
| | Assignment Fees | <u>\$40.00</u> |
| | Total Fee Due | <u>\$170.00</u> |

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
☐ Preliminary Amendment
☐ PCT/IB/338 English translation of the International preliminary Examination Report
☒ Information Disclosure Statement
☒ Form PTO-1449, 8 documents as listed
☐ Declaration of Biological Deposit
☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
☒ European Search Report

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell
Registration No.: 41,040

Date: August 29, 2005

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